

NEIGHBORHOODS COMMITTEE

David Mann, Chair
Wendell Young, Vice-Chair
Kevin Flynn, Member
Yvette Simpson, Member

Monday
March 23, 2015
2:00 P.M.
Council Chambers
Room 300

Frank A. Johnson
Clerk to the Committee

AGENDA

ITEM HELD IN COMMITTEE 03/09/2015

1-201500284 ORDINANCE, (EMERGENCY) submitted by Harry Black, City Manager, on 03/06/2015 MODIFYING the provisions of Chapter 731, "Weed Control," of Title VII, "General Regulations," of the Cincinnati Municipal Code by ordaining new Sections 731-1-A, "Abandoned Property," 731-1-A1, "Abatement," 731-1-I "Initial Violation," 731-1-P, "Person in Control," 731-1-S, "Subsequent Violation," 731-10, "Abatement by City's Authorized Designee," 731-13, "Rules and Regulations"; AMENDING Sections 731-1-A, "Turf Grass," 731-1-B, "Weeds," 731-1-C, "Managed Natural Landscaped Area," 731-3, "Height Restrictions," 731-5, "Notice to Owners and Persons in Control," 731-6, "Answer to notice to Owner and Persons in Control," 731-7, "Receipt of Notice by the Person Charged," 731-9, "Destruction by Public Officers," 731-11, "Cost as Lien on the Land and Personal Judgment Against Owners and Persons in Control," 731-99, "Penalties," 731-99-A, "Waiver and Written Pleas"; and further MODIFYING the provisions of Chapter 714, "Litter," of Title VII, "General Regulations," of the Cincinnati Municipal Code by ordaining new Sections 714-1-A, "Abandoned property," 714-1-A1, "Abatement," 714-1-I, "Initial Violation," 714-1-S "Subsequent Violation," 714-40, "Potential Waiver or Suspension of Fines for Property Susceptible to Littering by Third Parties," 714-46, "Abatement by City's Authorized Designee," 714-48, "Rules and Regulations"; AMENDING Sections 714-1-P4, "Person in Control," 714-35, "Litter on Occupied Private Property," 714-37, "Owner to Maintain Premises Free of Litter," 714-41, "Notice to Owners and Persons in Control," 714-42, "Answer to Owner and Person in Control," 714-45, "Removal by Public Officers," 714-47, "Cost as Lien on the Land and Personal Judgment Against Owners and Persons in Control," 714-99, "Penalties"; and further MODIFYING the provisions of Title XV, "Code Compliance and Hearings," of the Cincinnati Municipal Code by amending Sections 1501-6, "Class B1 Civil Offenses," 1501-8, "Class C1 Civil Offenses," 1501-13, "Notice of Civil Offense and Civil Fine; Procedures," and 1501-99, "Civil Fines"; to amend the procedures for abatement of weeds, high grass and litter on private lots by the Department of Public Services, Neighborhood Operation Division, and its authorized designees.

PARKING IN OVER THE RHINE ITEM

- 2-201500332 ORDINANCE submitted by Harry Black, City Manager, on 3/18/2015, designating a portion of the area in the Over-the-Rhine neighborhood bounded by the east side of Central Parkway, the east side of Sycamore, the north side of Central Parkway and the south side of Liberty Street as a special parking permit area restricting parking to certain vehicles notwithstanding Cincinnati Municipal Code Chapter 514 and creating a pilot project to run through 2017.
- Pg. 29

ITEMS OFF OF THE 03/11/2015 COUNCIL CALENDAR

- 3-201500323 MOTION, submitted by Vice Mayor David Mann and Councilmembers Young and Simpson, WE MOVE that the Administration develop a plan to ensure that citizens who travel via motorized wheelchairs, scooters and similar devices will have access to clean sidewalks and Metro stops on our major thoroughfares in future winters. WE FURTHER MOVE that the Administration provide a report on existing laws regarding sidewalk snow removal and the options for enhanced enforcement of existing laws and strategies for better compliance. (STATEMENT ATTACHED)
- Pg. 37
- 4-201500299 REPORT, dated 3/11/2015, submitted by Harry Black, City Manager, regarding street calming for Laidlaw Avenue.
- Pg. 39
- 5-201500298 REPORT, dated 3/11/2015, submitted by Harry Black, City Manager, regarding street calming in Pleasant Ridge.
- Pg. 40
- 6-201500329 COMMUNICATION, submitted by Councilmember Flynn from Miriam Corney concerning parking in the Fairview Heights community in Clifton.
- Pg. 42

ITEM OFF OF THE 03/18/2015 COUNCIL CALENDAR

- 7-201500334 MOTION, submitted by Vice Mayor Mann, Councilmembers Simpson, Young, Seelbach, Winburn and Flynn, WE MOVE that the Administration continue to engage the Madisonville Community Council, Cincinnati Public Schools and other key neighborhood stakeholders in the development of the Duck Creek Connector to seek feedback and input and mitigate concerns. (STATEMENT ATTACHED)
- Pg. 44
- 8-201500352 RESOLUTION, submitted by Paula Boggs Muething, City Solicitor from Councilmember P. G. Sittenfeld, on 3/18/2015, SUPPORTING Grandin Company LTD in its efforts to receive Ohio Historic Preservation Tax Credits for the rehabilitation of the Strietmann Bakery Building, located at 221-235 West Twelfth Street in Over-the-Rhine, which is a priority initiative for future development in the community and is consistent with the Over-the-Rhine, and downtown Cincinnati strategic plans and Plan Cincinnati and is in line with the commitment of the City of Cincinnati and Grandin Company LTD, doing business as Grandin Properties, to revitalize Over-the-Rhine.
- Pg. 46

9-201500353 RESOLUTION, submitted by Paula Boggs Muething from Councilmember P. G. Sittenfeld, on 3/18/2015, SUPPORTING Grandin Company LTD in its efforts to receive Ohio Historic Preservation Tax Credits for the rehabilitation of the Warner Brothers Building located at 1600 Central Parkway in Over-the-Rhine, which is a priority initiative for future development in the community, is consistent with the Over-the-Rhine and downtown Cincinnati strategic plans and Plan Cincinnati, and is in line with the commitment of the City of Cincinnati and Grandin Company LTD, doing business as Grandin Properties, to revitalize Over-the-Rhine.

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City of Cincinnati



Interdepartment
Correspondence Sheet

Date: March 4, 2015

To: Mayor and Members of Council

From: Harry Black, City Manager

HB

201500284

Subject: Emergency Ordinance – Private Lot Abatement Program

Transmitted herewith is an emergency ordinance captioned as follows:

MODIFYING the provisions of Chapter 731, "Weed Control," of Title VII, "General Regulations," of the Cincinnati Municipal Code by ordaining new Sections 731-1-A, "Abandoned Property," 731-1-A1, "Abatement," 731-1-I, "Initial Violation," 731-1-P, "Person in Control," 731-1-S, "Subsequent Violation," 731-10, "Abatement by City's Authorized Designee," 731-13, "Rules and Regulations"; **AMENDING** Sections 731-1-A, "Turf Grass," 731-1-B, "Weeds," 731-1-C, "Managed Natural Landscaped Area," 731-3, "Height Restrictions," 731-5, "Notice to Owners and Persons in Control," 731-6, "Answer to Notice to Owner and Persons in Control," 731-7, "Receipt of Notice by the Person Charged," 731-9, "Destruction by Public Officers," 731-11, "Cost as Lien on the Land and Personal Judgment Against Owners and Persons in Control," 731-99, "Penalties," 731-99-A, "Waiver and Written Pleas"; and further **MODIFYING** the provisions of Chapter 714, "Litter," of Title VII, "General Regulations," of the Cincinnati Municipal Code by ordaining new Sections 714-1-A, "Abandoned property," 714-1-A1, "Abatement," 714-1-I, "Initial Violation," 714-1-S, "Subsequent Violation," 714-40, "Potential Waiver or Suspension of Fines for Property Susceptible to Littering by Third Parties," 714-46, "Abatement by City's Authorized Designee," 714-48, "Rules and Regulations"; **AMENDING** Sections 714-1-P4, "Person in Control," 714-35, "Litter on Occupied Private Property," 714-37, "Owner to Maintain Premises Free of Litter," 714-41, "Notice to Owners and Persons in Control," 714-42, "Answer to Notice to Owner and Persons in Control," 714-45, "Removal by Public Officers," 714-47, "Costs as Lien on the Land and Personal Judgment Against Owners and Persons in Control," 714-99, "Penalties"; and further **MODIFYING** the provisions of Title XV, "Code Compliance And Hearings," of the Cincinnati Municipal Code by amending Sections 1501-6, "Class B1 Civil Offenses," 1501-8, "Class C1 Civil Offenses," 1501-13, "Notice of Civil Offense and Civil Fine; Procedures," and 1501-99, "Civil Fines"; to amend the procedures for abatement of weeds, high grass and litter on private lots by the Department of Public Services, Neighborhood Operation Division, and its authorized designees.

cc: Paula Boggs Muething, City Solicitor

PM

Attachment

#1



EMERGENCY

City of Cincinnati

JLP *BM*

An Ordinance No. _____

- 2015

MODIFYING the provisions of Chapter 731, "Weed Control," of Title VII, "General Regulations," of the Cincinnati Municipal Code by ordaining new Sections 731-1-A, "Abandoned Property," 731-1-A1, "Abatement," 731-1-I, "Initial Violation," 731-1-P, "Person in Control," 731-1-S, "Subsequent Violation," 731-10, "Abatement by City's Authorized Designee," 731-13, "Rules and Regulations"; **AMENDING** Sections 731-1-A, "Turf Grass," 731-1-B, "Weeds," 731-1-C, "Managed Natural Landscaped Area," 731-3, "Height Restrictions," 731-5, "Notice to Owners and Persons in Control," 731-6, "Answer to Notice to Owner and Persons in Control," 731-7, "Receipt of Notice by the Person Charged," 731-9, "Destruction by Public Officers," 731-11, "Cost as Lien on the Land and Personal Judgment Against Owners and Persons in Control," 731-99, "Penalties," 731-99-A, "Waiver and Written Pleas"; and further **MODIFYING** the provisions of Chapter 714, "Litter," of Title VII, "General Regulations," of the Cincinnati Municipal Code by ordaining new Sections 714-1-A, "Abandoned property," 714-1-A1, "Abatement," 714-1-I, "Initial Violation," 714-1-S, "Subsequent Violation," 714-40, "Potential Waiver or Suspension of Fines for Property Susceptible to Littering by Third Parties," 714-46, "Abatement by City's Authorized Designee," 714-48, "Rules and Regulations"; **AMENDING** Sections 714-1-P4, "Person in Control," 714-35, "Litter on Occupied Private Property," 714-37, "Owner to Maintain Premises Free of Litter," 714-41, "Notice to Owners and Persons in Control," 714-42, "Answer to Notice to Owner and Persons in Control," 714-45, "Removal by Public Officers," 714-47, "Costs as Lien on the Land and Personal Judgment Against Owners and Persons in Control," 714-99, "Penalties"; and further **MODIFYING** the provisions of Title XV, "Code Compliance And Hearings," of the Cincinnati Municipal Code by amending Sections 1501-6, "Class B1 Civil Offenses," 1501-8, "Class C1 Civil Offenses," 1501-13, "Notice of Civil Offense and Civil Fine; Procedures," and 1501-99, "Civil Fines"; to amend the procedures for abatement of weeds, high grass and litter on private lots by the Department of Public Services, Neighborhood Operation Division, and its authorized designees.

WHEREAS, overgrown weeds, high grass, or excessive litter on one property are conditions that can affect a neighborhood as a whole, drawing attention to that problem property and negatively impacting surrounding properties, creating a similar result as unremediated graffiti, broken windows, damaged or burned-out buildings, or other forms of blight; and

WHEREAS, a property with high grass, weeds, or litter is at greater risk of trespass and invites vandalism, because of the clear indication that the property is not being cared for and/or is abandoned, which condition further diminishes the character of the neighborhood and drives property values in the area downward; and

WHEREAS, rampant weeds and untended grass are a unique form of nuisance in that, during the warmer months of the year, without a routine maintenance schedule in place or a responsible property owner to undertake routine maintenance, the property will return to a nuisance state within weeks after initial abatement; and

WHEREAS, owners who allow their property to become overgrown with grass or weeds ten inches high and who fail to abate such nuisance even after being ordered to do so and referred for abatement by the City, will nonetheless often continue to neglect the care of their yard, and thus, after a property has been abated one time for high grass and weeds, the property should be subject to routine abatement each time the owner allows the grass or weeds to return to a height of at least six inches, which will allow the City to maintain the property more easily so it does not continue to be a nuisance and eyesore to the neighborhood; and

WHEREAS, the owners of properties with unattended weeds, grass, or litter nuisances are often irresponsible in their property stewardship in other ways, either in their care of other maintenance aspects of their property, or in legal omissions, such as tax delinquency; and

WHEREAS, a new tactic is needed by which the City can monitor and address such nuisance properties; the presence of City employees or designees at such nuisance properties for the purpose of abating weeds, grass, or litter, as well as the legal interaction between the City and the owners of the properties which will arise from the abatement, will lead to positive change and forward movement in the City's blighted neighborhoods; and

WHEREAS, in Cincinnati, residents, neighbors and community stakeholders routinely seek to assist the City to ameliorate problems at nuisance properties with unattended weeds, high grass, or litter, but have been unable to act on their own without legal exposure for trespass or other civil liability, and the City has no mechanism by which to assist and monitor these well-intentioned residents, neighbors and community stakeholders; and

WHEREAS, changes to the City's approach to abatement of weeds, high grass, and litter conforms to Plan Cincinnati Guiding Policy Principle of being "aggressive and strategic in future growth and development" (p. 77) and spending "public funds more strategically" (p. 79); the Live goal, to "[c]reate a more livable community" by supporting and stabilizing our neighborhoods (pp. 160-61); and the Collaborate goal, including to "[i]mprove service delivery, control cost, and diminish duplication of services" (pp. 218); and

WHEREAS, some property owners are subject to penalties from the City for littering because their properties are located in areas that are subject to increased and ongoing litter from pedestrian and vehicular traffic or because their properties are targeted, without their consent and beyond their control, for illegal and prohibited waste disposal, as defined by Cincinnati Municipal Code Chapter 729; and in such instances, there may be mitigating and extenuating circumstances that warrant a waiver or suspension of fines; and

WHEREAS, Cincinnati Municipal Code Chapter 1501, outlines the penalties for those who commit civil offenses against the City; and

WHEREAS, it is necessary to deliver a stronger message to those who violate the Cincinnati Municipal Code and are subject to civil fines under Chapter 1501, particularly for violations related to weeds and litter, that such violations will not be tolerated because they give rise to conditions in the City's neighborhoods that detract from the quality of life and pose a danger to the public health, safety and welfare; and

WHEREAS, it is necessary to increase civil penalties for those who commit offenses against the City of Cincinnati because the amounts for Class A through E civil fines that are outlined in Cincinnati Municipal Code Section 1501-99 have not increased since June 2000 (see Ord. No. 219-2000) and because other municipalities in Ohio charge more than the City of Cincinnati for civil fines for many similar types of violations; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That new Sections 731-1-A, "Abandoned Property," 731-1-A1, "Abatement," 731-1-I, "Initial Violation," 731-1-P, "Person in Control," 731-1-S, "Subsequent Violation," 731-10, "Abatement by City's Authorized Designee," 731-13, "Rules and Regulations" of Chapter 731, "Weed Control," of the Cincinnati Municipal Code are hereby enacted to read as follows:

Sec. 731-1-A. - Abandoned Property.

"Abandoned Property" shall mean property that is not being maintained consistent with the requirements of Chapter 731 and that the property owner or person in control has failed to bring into compliance with Section 731-3 within seven days of receiving a notice of civil offense and civil fine.

Sec. 731-1-A1. - Abatement.

"Abatement" shall mean the removal of any conditions in accordance with Sections 731-9 and 731-10 that are the subject of a notice of violation.

Sec. 731-1-I. - Initial Violation.

"Initial Violation" shall mean the first violation at a property under Section 731-3(a), unless the violation meets the requirements of a "Subsequent Violation" as defined in Sec. 731-1-S.

Sec. 731-1-P. - Person in Control.

"Person in control" shall mean the owner of the freehold estate of the premises; a mortgagee or vendee in possession; a receiver; an executor; a trustee; and any person, public or private entity, lessee or holder of a lesser estate in the premises, and/or its duly authorized agent(s), with the authority to bring a building or premises into compliance with the provisions of this code, including but not limited to any mortgagee that has filed an action in foreclosure, based on breach or default of a mortgage agreement, until title to the premises is transferred to a third party.

Sec. 731-1-S. - Subsequent Violation.

"Subsequent Violation" shall mean a violation under Section 731-3(b) at a property which has been identified for an Initial Violation under Section 731-3(a) and has not been abated by the owner or person in control. After the Initial Violation, any violations will be considered Subsequent Violations for purposes of Chapter 731 until the owner or person in control takes action under Section 731-5(b)(2)(f).

Sec. 731-10. - Abatement by City's Authorized Designee.

- (a) If the owner or person in control of property that has a violation of Section 731-3 is notified of such violation pursuant to 731-5 and fails to comply with the requirements of such notice within the specified time period, then the property shall be identified as an Abandoned Property as defined by Section 731-1-A, and the city manager or the city manager's designee may authorize a person who is not the owner or person in control of the property ("Authorized Designee") to destroy weeds and/or turf grasses that exceed the height restrictions specified in Section 731-3. Before entering onto the property, the Authorized Designee must obtain written verification from the city's designated public officer of the following:
 - (1) That the owner or person in control of the property has received a notice pursuant to Section 731-5 for failure to comply with the height restrictions specified in Section 731-3; and
 - (2) That the owner or person in control has failed to comply with the requirements of such notice.
- (b) Upon receipt of a written verification from the city's designated public officer, the Authorized Designee may immediately cause any weeds and/or turf grasses that exceed the height restrictions specified in Section 731-3 to be destroyed by one of the methods set forth in Section 731-3.
- (c) An Authorized Designee:
 - (1) is immune from suits for claims for civil liability for an act or omission related to subsection (b) to the extent allowed by Ohio Revised Code Chapter 2744, et seq., unless the Authorized Designee's act or omission constitutes willful, wanton, or reckless misconduct; and
 - (2) shall not be subject to prosecution by the city for criminal trespass and shall be deemed to be lawfully on the property.
- (d) The Authorized Designee shall report all expenses involved in the destruction of such weeds and/or turf grass to the city manager or the city manager's designee,

including the cost of service of notice and inspection costs, who shall in turn report all expenses to council.

- (e) The obligation of any mortgagee or person in control as defined in Section 1101-01 or Section 1123-01 to comply with all of the applicable Building Code regulations is not modified by this Section.

Sec. 731-13. - Rules and Regulations.

The city manager or the city manager's designee is authorized to promulgate rules and regulations to effectuate the provisions and purposes of this chapter, including without limitation, the following: the determination of whether a property is Abandoned as defined by Cincinnati Municipal Code Section 731-1-A; the implementation of a routine maintenance schedule for Abandoned Properties; the implementation of a program enabling Abatement by the city's authorized designee, as outlined in Cincinnati Municipal Code Section 731-10, including estimating cost of volunteer time and of abatement; an administrative process to contest a determination of Abandonment under Cincinnati Municipal Code Section 714-1-A; an opportunity for property owners to re-assert control over Abandoned Properties to avoid ongoing maintenance, assessments and civil penalties by the city; and a policy and a process for property owners seeking to remove their property from the city's abatement program.

Section 2. That Sections 731-1-A, "Turf Grass," 731-1-B, "Weeds," 731-1-C, Managed Natural Landscaped Area," 731-3, "Height Restrictions," 731-5, "Notice to Owners and Persons in Control," 731-6, "Answer to Notice to Owner and Persons in Control," 731-7, "Receipt of Notice by the Person Charged," 731-9, "Destruction by Public Officers," 731-11, "Cost as Lien on the Land and Personal Judgment Against Owners and Persons in Control," 731-99, "Penalties," 731-99-A, "Waiver and Written Pleas," of Chapter 731, "Weed Control," of the Cincinnati Municipal Code are hereby amended to read as follows:

Sec. 731-1-~~CM~~. - Managed Natural Landscaped Area.

"Managed Natural Landscaped Areas" shall be defined as designed and cultivated plant communities that are self-sustaining with minimal resort to artificial methods of plant care and that serve at least one (1) of the following purposes:

- (1) the attraction and aid of wildlife.
- (2) the offset and control of a potential or existing soil loss program.
- (3) the enrichment or stabilization of soil fertility.
- (4) pest control.

- (5) governmental programs, including, without limitation, storm water control.
- (6) educational studies.
- (7) food production.

Sec. 731-1-AT. - Turf Grass.

"Turf grass" shall mean grass commonly used in regularly-cut lawns or play areas, whether dead or alive.

Sec. 731-1-BW. - Weeds.

"Weeds" shall include any and all vegetation, including honeysuckle, that is not managed or maintained by the owner or person in control of the property on which all such vegetation is located which generally exceeds the height restrictions in this chapter, but excluding shall exclude trees, shrubs, ~~turf grasses~~ and/or cultivated flowers and gardens.

Sec. 731-3. - Height Restrictions.

Except as otherwise provided in Section 731-4:

- (a) Every owner or person in control of any lot or lands within the city of Cincinnati shall cause the lot or lands to be kept free from weeds and turf grasses over ten ~~(10)~~ inches in height by cutting them or by destroying them by spraying with a chemical compound ~~approved by the commissioner of health~~, and then removing said cut or destroyed weeds and turf grasses from such lot or lands ~~immediately forthwith~~. Anyone who fails to comply with this provision shall be liable for an Initial Violation, as defined in Section 731-1-I, and subject to a fine as described in Section 731-99.
- (b) Once a property becomes an Abandoned Property, the owner or person in control of that property shall keep it free from weeds and turf grasses over six inches in height by cutting them or by destroying them by spraying with a chemical compound and then removing said cut or destroyed weeds and turf grasses from such lot or lands immediately. Anyone who fails to comply with this provision shall be liable for a Subsequent Violation, as defined in Section 731-1-S, and subject to a fine as provided in Section 731-99. No owner or person in control of any lot or lands within the city of Cincinnati shall fail to comply with any of the provisions of this section.
- (c) A separate and distinct offense shall be regarded as committed each day on which an owner or person in control ~~such person, firm or corporation~~ shall continue such violation, and as to each separate plot of ground owned or controlled by such an owner or person in control ~~person, firm or corporation~~.

Sec. 731-5. - Notice to Owners and Persons in Control for Initial and Subsequent Violations.

(a) Notice for Initial Violations: Notwithstanding the penalties contained in Section 731-5 and 714-99-A, when the city manager ~~or~~ the city manager's designee ~~or the commissioner of health~~ ascertains that weeds and/or turf grasses are growing on any lot or land within the city of Cincinnati in violation of ~~the provisions of this Chapter~~ Section 731-3(a), a written notice in accordance with Section 1501-13 shall be served upon the owner, ~~and, if different, upon the~~ or person in control of that property, ~~such as lessee, agent or tenant having charge of such lot or land.~~ In addition to the notice of civil offense and civil fine provided in Section 1501-13, the written notice shall state the following that:

(1) ~~w~~Weeds and/or turf grasses are growing on the lot or land in violation of Section 731-3(a); and

(2) ~~that they~~The weeds and/or turf grass must be cut and removed, or destroyed by spraying with a chemical compound approved by the commissioner of health and removed, within seven (7) days of the date of receipt of the notice; and

(3) Due to the recurring nature of violations under this Section, if the owner or person in control fails to bring the property into compliance with Section 731-3 within seven days of receiving a notice of civil offense and civil fine, the following shall occur:

A. The property shall be deemed Abandoned Property;

B. Grass or weeds that become six inches or higher in the same calendar year as, or the following calendar year after, the year in which the Initial violation is issued will be a Subsequent Violation;

C. If there are any Subsequent Violations found at the Abandoned Property, in addition to imposition of civil fines, the city will abate all Subsequent Violations pursuant to either Section 731-9 or 731-10;

D. The costs of all abatement of Subsequent Violations will be assessed as set forth in 731-11;

E. The Abandoned Property will be part of a routine maintenance schedule;

F. Once the property is deemed Abandoned Property, in order to avoid issuance of further civil fines for subsequent violations or assessment for the costs of the abatement action, an owner or

person in control of abandoned property must contact the city manager or the city manager's designee in writing to request approval of an abatement plan.

(b) Notice for Subsequent Violation: Once a property is deemed Abandoned Property, in addition to the penalty described in Sections 731-5 and 731-99, when the city manager or the city manager's designee ascertains that weeds and/or turf grasses are growing on the property in violation of Section 731-3(b), a written notice in accordance with Section 1501-13(e) shall be served upon the owner or person in control of the property each and every time the condition is to be abated. In addition to the notice of civil offense and civil fine provided in Section 1501-13, the written notice shall state the following:

- (1) Weeds and/or turf grasses are growing on the lot or land in violation of Section 731-3(a); and
- (2) Due to the recurring nature of violations under this Section, if the owner or person in control fails to bring a property into compliance with Section 731-3 within seven days of receiving an initial notice of civil offense and civil fine, the following shall occur:
 - A. The property will be deemed Abandoned Property;
 - B. Grass or weeds which become six inches or higher will constitute a Subsequent Violation;
 - C. If there are any Subsequent Violations found at the Abandoned Property, in addition to imposition of civil fines, the city will continue to abate all Subsequent Violations pursuant to either Section 731-9 or 731-10, providing notice of abatement each time;
 - D. The costs of all abatement of Subsequent Violations will be assessed as set forth in 731-11;
 - E. The Abandoned Property will be part of a routine maintenance schedule, pursuant to guidelines established by the city manager or the city manager's designee;
 - F. Once the property is deemed Abandoned Property, in order to avoid issuance of further civil fines for subsequent violations or assessment for the costs of the abatement action, an owner or person in control of abandoned property must contact the city manager or the city manager's designee in writing to request approval of an abatement plan.

Sec. 731-6. - Answer to Notice to Owner and Persons in Control.

An owner or person in control~~person~~ served with a written notice pursuant to Section 731-5 may answer the charge in accordance with Section 1501-15,~~including an offer of proof of correction in accordance with Section 1501-19~~ within seven (7) business days of receipt of the notice by the person being charged, and for Initial Violations, may including an offer of proof of correction in accordance with Section 1501-19

Sec. 731-7. - Receipt of Notice by the Person Charged.

For purposes of Sections 731-5(a) and 731-6, receipt of notice by the person charged shall mean any of the following:

- (a) the date on which the issuing officer personally served the person being charged;
- (2b) the date on which the issuing officer posted a copy of the notice on the real property in accordance with Section 1501-13(d) or mailed it in accordance with Section 1501-13(e), whichever is applicable; or
- (3c) three days after the issuing officer has mailed the notice in accordance with Section 1501-13(d) if the real property is vacant; and the issuing officer is unable to personally serve the notice to the person charged or post a copy on the real property.

Sec. 731-9. - ~~Destruction~~ Abatement by Public Officers.

- (a) With respect to Initial Violations, if the owner or person in control of property of any lot or land mentioned in that has a violation of Section 731-5 731-3(a) is notified of such violation pursuant to 731-5(a) and fails to comply with the requirements of such notice within the specified time period, the city manager or the city manager's designee shall cause any weeds and/or turf grasses that exceed the height restrictions specified in Section 731-3(a) to be destroyed by one of the methods set forth in Section 731-3.
- (b) If Subsequent Violations occur at an Abandoned Property,
 - (1) The city manager or the city manager's designee shall place the property on a list of Abandoned Properties that will be routinely inspected, pursuant to guidelines established by the city manager or city manager's designee;
 - (2) If the property is subsequently found to be in violation of 731-3(b), the city manager or the city manager's designee immediately shall cause any weeds and/or turf grasses that exceed the height restrictions specified in Section 731-3(b) to be destroyed by one of the methods set forth in Section 731-3; and

- (3) Inspection and abatement of the Abandoned Property shall continue as long as the condition persists, with a 731-5(a) notice sent each time, and may continue into the following calendar years.
- (c) The city manager or the city manager's designee shall report all expenses involved in the destruction of such-weeds and turf grass, including the cost of service of notice, any administrative costs, and inspection costs, to council.
- (d) The obligation of any mortgagee or person in control as defined in Section 1101-01 or Section 1123-01 to comply with all of the obligations of the applicable Building Code regulations is not modified by this section.

Sec. 731-11. - Cost as Lien on the Land and Personal Judgment Against Owners and Persons in Control.

When weeds and/or turf grasses have been cut or destroyed in accordance with Sections 731-9 or 731-10, the cost thereof shall be a lien on such lot or land from the date such expenses are reported to council in accordance with Sections 731-9 or 731-10. The clerk of council shall certify such cost to the county auditor to be placed upon the tax list and collected as other taxes are collected and returned to the city of Cincinnati in accordance with Sections 715.26, 715.261 or 731.54-731-54 of the Ohio Revised Code. The cost of removal may also be recovered by means of a judgment against the owner or and, if different, against the person in control, such as lessee, agent or tenant having charge of the land.

Sec. 731-99. - Penalties - Civil and Criminal.

~~A violation of any provision of this chapter is a minor misdemeanor if it is a first offense. A first offender is eligible to pay his fine out pursuant to a schedule posted with the clerk of the Hamilton County Municipal Court.~~

~~If the offender has been previously convicted of violating any section of this chapter, he is guilty of a misdemeanor of the fourth degree.~~

An initial violation of the height restrictions specified in Section 731-3 shall constitute a Class C1 civil offense on the first day after the owner or person in charge of the property has received notice under Section 731-5 and 1501-13.

If the property in question accrues subsequent violations of Section 731-1(b):

- (a) A second violation shall constitute Class D civil offense;
- (b) The third violation shall constitute a Class E civil offense;
- (c) After the third violation, any subsequent violations shall each constitute a Class E-1 civil offense.

Any civil fines collected under this chapter shall be deposited into the private lot abatement fund to support Section 731-9 and 731-10 abatement activities and enforcement of Chapter 731.

As an alternative to a notice of civil offense and civil fine, a violation of any provision of this chapter is may be cited as a minor misdemeanor, if it is a first offense. A first offender is eligible to pay his fine out pursuant to a schedule posted with the clerk of the Hamilton County Municipal Court.

If the offender has been previously convicted of violating any section of this chapter, he or she is guilty of a misdemeanor of the fourth degree.

Sec. 731-99-A. - Waiver and Written Pleas.

Notwithstanding the penalty provisions of Section 731-99, any person who has violated any of the provisions of this chapter and been charged with a criminal offense may enter a guilty plea upon executing before and filing with the clerk of the Hamilton County Municipal Court, Criminal Division, an instrument waiving the formal issuance of an affidavit and warrant, together with the reading of such affidavit, stating that such person understands the nature of the charges; and further waiving the right to be present personally at trial of such action; and further waiving the right to appeal and authorizing a plea of guilty to be entered. A person shall be fined for an amount as determined by the Hamilton County Municipal Court. Such fine shall be deposited with the clerk within 168 hours after citation. If any person fails to so deposit such amount with the clerk within 168 hours, the amount of the fine may be doubled.

Section 3. That existing Sections 731-1-A, "Turf Grass," 731-1-B, "Weeds," 731-1-C, "Managed Natural Landscaped Area," 731-3, "Height Restrictions," 731-5, "Notice to Owners and Persons in Control," 731-6, "Answer to Notice to Owner and Persons in Control," 731-7, "Receipt of Notice by the Person Charged," 731-9, "Destruction by Public Officers," 731-11, "Cost as Lien on the Land and Personal Judgment Against Owners and Persons in Control," 731-99, "Penalties," 731-99-A, "Waiver and Written Pleas," of Chapter 731, "Weed Control," of the Cincinnati Municipal Code are hereby repealed.

Section 4. That new Sections 714-1-A, "Abandoned property," 714-1-A1, "Abatement," 714-1-I, "Initial Violation," 714-1-S, "Subsequent Violation," 714-40, "Potential Waiver or Suspension of Fines for Property Susceptible to Littering by Third Parties," 714-46, "Abatement

by City's Authorized Designee," 714-48, "Rules and Regulations," of Chapter 714, "Littering," of the Cincinnati Municipal Code are hereby enacted to read as follows:

Sec. 714-1-A. - Abandoned Property.

"Abandoned Property" shall mean property that is not being maintained consistent with the requirements of Chapter 714 and that the property owner or person in control has failed to bring into compliance with Section 714-37 within seven days of receiving a notice of civil offense and civil fine.

Sec. 714-1-A1. - Abatement.

"Abatement" shall mean the removal of any conditions that are the subject of a notice of violation in accordance with Sections 714-45 and 714-46.

Sec. 714-1-I. - Initial Violation.

"Initial Violation" shall mean a violation at a property under Section 714-35, 714-37, or 714-39, unless the violation meets the requirements of a "Subsequent Violation" as defined in Sec. 714-1-S.

Sec. 714-1-S. - Subsequent Violation.

"Subsequent Violation" shall mean a violation under Section 714-35, 714-37 or 714-39 at a property which has been identified for an Initial Violation under Section 714-35, 714-37 or 714-39 and has not been abated by the owner or person in control. After the Initial Violation, any violations will be considered Subsequent Violations for purposes of Chapter 714 until the owner or person in control takes action under Section 714-41(b)(2)(f).

Sec. 714-40. - Potential Waiver or Suspension of Fines for Property Susceptible to Littering by Third Parties.

- (a) If a property is susceptible to littering by third parties who are not the owner or person in control and who are not invited to be present on the property by the owner or person in control, or if the property is susceptible to illegal and prohibited waste disposal as defined by Cincinnati Municipal Code Chapter 729 by third parties who are not the owner or person in control and who are not invited to be present on the property by the owner or person in control, the owner or person in control may be eligible for suspension or waiver of fines incurred for violations of Sections 714-35, 714-37, or 714-39.
- (b) Examples of conditions that may make an owner or person in control eligible for suspension or waiver of fines under this provision include but are not limited to the property's location in a high vehicular traffic area or a high pedestrian traffic

area that subjects it to excessive littering through no direct fault of the property owner; the property being situated such that parts of it are not routinely visible to the owner or person in control and thus, it is more susceptible to illegal and prohibited waste disposal, as defined by Cincinnati Municipal Code Chapter 729; and other extenuating or mitigating factors.

- (c) A property is eligible for a suspension or waiver of fines under Sections 714-35, 714-37, or 714-39, only if:
 - (1) the owner or person in control has requested a waiver or suspension of fees and submitted a proposed abatement plan to directly address the conditions giving rise to the violations within seven days of the issuance of the notice of violation set forth in Section 714-41;
 - (2) the owner or person in control has set forth in the request for waiver or suspension the reasons why the violations are not within the control or the fault of the owner or person in control due to either the ongoing nature of the litter violations at the property caused by third parties or the property's susceptibility to illegal and prohibited waste disposal, as defined by Cincinnati Municipal Code Chapter 729;
 - (3) the owner or person in control's proposed abatement plan
 - A. sets forth how potential future violations of this chapter will be avoided or addressed; and
 - B. directly addresses the factors that contributed to the underlying violation, but that are not fully within the control of the owner or person in control due to either the ongoing nature of the litter violations at the property caused by third parties; and
 - (4) the city manager or the city manager's designee has approved the abatement plan submitted by the owner or person in control of the property, with the determination being made in accordance with the rules and regulations promulgated by the city manager as authorized in Section 714-49.
- (d) A property's eligibility for suspension or waiver of fines under this provision is at the discretion of the city manager or the city manager's designee. The city manager or the city manager's designee may reject, request modification of, or revoke an abatement plan.
- (e) The city manager or city manager's designee's enforcement of this provision shall be governed by the rules and regulations promulgated by the city manager as authorized in Section 714-49. A copy of the city manager's rules and policies and

any subsequent revisions to such rules shall be submitted to Council for approval prior to implementation.

- (f) A denial of a request for suspension or waiver or fines and the rejection, modification or revocation of an abatement plan under this Section is appealable to the office of administrative hearings.

Sec. 714-46. - Abatement by City's Authorized Designee.

- (a) If the owner or person in control of property that has a violation of Section 714-35, 714-37 or 714-39 is notified of such violation pursuant to 714-41(a) and fails to comply with the requirements of such notice within the specified time period, then the property shall be identified as an Abandoned Property as defined by Section 714-1-A, and the city manager or the city manager's designee may authorize a person who is not the owner or person in control of real property ("Authorized Designee") and who suspects that the property may be in violation of Section 714-37 to remove the litter. Before entering onto the real property, the Authorized Designee must obtain written verification from the city manager or the city manager's designee of all of the following:
 - (1) That the owner or person in control of the property has received a notice pursuant to Section 714-41(a) for failure to comply with Section 714-35 or 714-37; and
 - (2) That the owner or person in control has failed to comply with the requirements of such notice.
- (b) Upon receipt of a written verification from the city's designated public officer, the Authorized Designee may immediately cause any litter violation specified in Section 714-35 or 714-37 to be removed.
- (c) An Authorized Designee
 - (1) is immune from suits for claims of civil liability for an act or omission related to the entry or to any action described in subsection (a)(2) to the extent allowed by Ohio Revised Code Chapter 2744 et seq., unless the act or omission constitutes willful, wanton, or reckless misconduct; and
 - (2) shall not be subject to prosecution by the city for criminal trespass and shall be deemed to be lawfully on the property.
- (d) The Authorized Designee shall report all expenses involved in the removal of such litter, including the cost of service of notice and inspection costs to the city manager or the city manager's designee, who shall in turn report all expenses to council.

- (e) The obligation of any mortgagee or person in control as defined in Section 1101-01 or Section 1123-01 to comply with all of the obligations of the applicable Building Code regulations is not modified by this Section.

Sec. 714-48. - Rules and Regulations.

The city manager or the city manager's designee is authorized to promulgate rules and regulations to effectuate the provisions and purposes of this chapter, including without limitation, the following: the determination of whether a property is Abandoned as defined by Cincinnati Municipal Code Section 714-1-A; the implementation of a routine maintenance schedule for Abandoned Properties; the implementation of a program enabling Abatement by the city's authorized designee, as outlined in Cincinnati Municipal Code Section 714-46, including estimating cost of volunteer time and of abatement; an administrative process to contest a determination of Abandonment under Cincinnati Municipal Code Section 714-1-A; a process for administering the waiver or suspension of fines for property susceptible to littering by third parties as outlined in Cincinnati Municipal Code Section 714-40; an opportunity for property owners to re-assert control over Abandoned Properties to avoid ongoing maintenance, assessments and civil penalties by the city; and a policy and a process for property owners seeking to remove their property from the city's abatement program.

Section 5. That Sections 714-1-P4, "Person in Control," 714-35, "Litter on Occupied Private Property," 714-37, "Owner to Maintain Premises Free of Litter," 714-41, "Notice to Owners and Persons in Control," 714-42, "Answer to Notice to Owner and Persons in Control," 714-45, "Removal by Public Officers," 714-47, "Costs as Lien on the Land and Personal Judgment Against Owners and Persons in Control," 714-99, "Penalties," of Chapter 714, "Littering," of the Cincinnati Municipal Code are hereby amended to read as follows:

Sec. 714-1-P4. - Person in Control.

"Person in control" shall mean tThe owner of the freehold estate of the premises; a mortgagee or vendee in possession; a receiver; an executor; a trustee; and any person, public or private entity, lessee or holder of a lesser estate in the premises, and/or its duly authorized agent(s), with the authority to bring a building or premises into compliance with the provisions of this code, including but not limited to any mortgagee that has filed an action in foreclosure on the particular premises at issue, based on breach or default of a mortgage agreement, until title to the premises is transferred to a third party.

Sec. 714-35. - Litter on Occupied or Unoccupied Private Property.

No person shall throw or deposit litter on any occupied or unoccupied private property within the city, whether owned by such person or not, except that the owner or person in control of private property may maintain authorized private receptacles for collection in such a manner that litter will be prevented from being carried or deposited by the elements upon any street, sidewalk or other public place or upon any private property.

Sec. 714-37. - Owner or Person in Control to Maintain Premises Free of Litter.

The owner or person in control of any private property shall at all times maintain the premises free of litter. Provided, however, that this Section shall not prohibit the storage of litter in authorized private receptacles for collection.

Sec. 714-41. - Notice to Owners and Persons in Control - Initial and Subsequent Violations.

(a) Notice for Initial Violations: Notwithstanding the penalty contained in Section 714-99 ~~and 714-99-A~~, when the city manager or, the city manager's designee ~~or the commissioner of health~~ ascertains that litter has been placed on lands within the City of Cincinnati, a written notice in accordance with section 1501-13 shall be served upon the owner ~~and, if different, upon the~~ or person in control, such as lessee, agent or tenant having charge of the littered land. In addition to the notice of civil offense and civil fine provided in Section 1501-13, the written notice shall state that:

- (1) Litter is on the land in violation of Section 714-35 or 714-37, and that it must be collected and removed within seven days of the date of receipt of the notice;
- (2) If they fail to bring the property into compliance with Section 714-35 or 714-37 within seven days of receiving a notice of civil offense and civil fine;

- A. The property shall be deemed Abandoned Property;
- B. In accordance with subsection (b), below, the city will abate Subsequent Violations pursuant to either Section 714-45 or 714-46 without further additional notice to the owner or person in control;
- C. The costs of all abatement of Subsequent Violations will be assessed as set forth in Section 714-47;
- D. The Abandoned Property will be part of a routine maintenance schedule;

- E. Once the property is deemed Abandoned Property, in order to avoid issuance of further civil fines for subsequent violations or assessment for the costs of the abatement action, an owner or person in control of abandoned property must contact the city manager or the city manager's designee in writing to request approval of an abatement plan;
 - F. The owner or person control may request a waiver or suspension of fines in accordance with Section 714-40.
 - (b) Notice for Subsequent Violation: Once a property is deemed Abandoned Property, in addition to the penalty described in Section 714-99, when the city manager or, the city manager's designee ascertains that litter is present on the property in violation of Section 714-35, 714-37 or 714-39, a written notice in accordance with Section 1501-13(e) shall be served upon the owner or person in control of the property each and every time the condition is to be abated. In addition to the notice of civil offense and civil fine provided in Section 1501-13, the written notice shall state the following:
 - (1) Litter is present on the lot or land in violation of Section 714-35 or 714-37;
 - (2) Due to the recurring nature of violations under this Section, because the owner or person in control failed to bring the property into compliance with Section 714-35, 714-37 or 714-39 within seven days of receiving an initial notice of civil offense and civil fine, the following shall occur:
 - A. The property has been deemed Abandoned Property;
 - B. Litter is present again, constituting a Subsequent Violation;
 - C. If there are any Subsequent Violations found at the Abandoned Property, in addition to imposition of civil fines, the city will continue to abate all Subsequent Violations pursuant to Sections 714-45 and 714-46, providing notice of abatement each time;
 - D. The costs of all abatement of Subsequent Violations will be assessed as set forth in 714-47;
 - E. The Abandoned Property will be part of a routine maintenance schedule, pursuant to guidelines established by the city manager or the city manager's designee;
 - F. Once the property is deemed Abandoned Property, in order to avoid issuance of further civil fines for subsequent violations or assessment for the costs of the abatement action, an owner or

person in control of abandoned property must contact the city manager or the city manager's designee in writing to request approval of an abatement plan.

G. The owner or person control may request a waiver or suspension of fines in accordance with Section 714-40.

- (c) This section shall not apply to land being used under a ~~C~~city of Cincinnati building or construction permit or license, a ~~C~~city of Cincinnati permit or license or a conditional zoning permit or variance to operate a junk yard, scrap metal processing facility or similar business, or a permit or license issued pursuant to Chapter 3734, Section 4737.05 to 4737.12, or Chapter 6111 of the Ohio Revised Code.

Sec. 714-42. - Answer to Notice to Owner and Persons in Control.

An owner or person in control~~person~~ served with a written notice pursuant to Section 714-41 may answer the charge in accordance with Section 1501-15,~~including an offer of proof of correction in accordance with Section 1901-19~~ within seven business days of receipt of the notice by the person being charged, and for Initial Violations, may include an offer of proof of correction in accordance with Section 1501-19.

Sec. 714-45. - ~~Removal~~Abatement by Public Officers.

- (a) If the owner ~~or and, if different, the~~ person in control of any land ~~mentioned~~ identified in Section 714-41 fails to comply with such notice within the specified time period, the city manager or the city manager's designee ~~commissioner of health~~ shall cause such litter to be removed, and may employ the necessary labor to perform the task. The city manager or the city manager's designee ~~commissioner of health~~ shall report all expenses involved in the removal of such litter, including the cost of service of notice and inspection costs, to council.
- (b) The city manager shall place Abandoned Property on a list of abandoned properties that will be routinely inspected and, if Abandoned Property is found to be in violation of Section 714-35 or 714-37, shall immediately cause litter that is the source of the violation to be removed. Such inspection and abatement of litter on Abandoned Property shall continue as long as the condition persists, with a 714-41(a) notice sent each time, and may continue into the following calendar years.
- (c) The obligation of any mortgagee or person in control as defined in Section 1101-01 or Section 1123-01 to comply with all obligations of the applicable Building Code regulations is not modified by this section.

Sec. 714-47. - Costs as Lien on the Land and Personal Judgment Against Owners and Persons in Control.

When litter has been removed in accordance with Section 714-45 or 714-46, the cost thereof shall be a lien on such land from the date such expenses are reported to council in accordance with such section. The clerk of council shall certify such cost to the county auditor to be placed upon the tax list and collected as other taxes are collected and returned to the City of Cincinnati in accordance with Section 715.26, 715.261 or 731.54 of the Ohio Revised Code. The costs of removal may also be recovered by means of a judgment against the owner and, if different, against the person in control of the property, ~~such as lessee, agent or tenant having charge of the littered land.~~

Sec. 714-99. - Penalties - Civil and Criminal.

As an alternative to a notice of civil offense and civil fine, a violation of:

- (a) Section 714-7 of this chapter is a misdemeanor of the first degree and shall carry with it a mandatory fine of \$1,000.
- (b) ~~A violation of~~ Section 714-3, 714-13 or 714-19 of this chapter is a misdemeanor of the third degree and shall carry with it a mandatory fine of \$500.
- (c) ~~A violation of a~~Any other provision of this chapter is a minor misdemeanor if it is a first offense which shall carry a mandatory fine of \$150, and a misdemeanor of the fourth degree if it is a second offense which shall carry a mandatory fine of \$250.

If an offender of Section 714-35, 714-37 or 714-39 has been previously convicted of violating Section 714-35, 714-37 or 714-39 of this chapter, the offender is guilty of a misdemeanor of the first degree which shall carry a mandatory fine of \$1,000.

Section 6. That existing Sections 714-1-P4, "Person in Control," 714-35, "Litter on Occupied Private Property," 714-37, "Owner to Maintain Premises Free of Litter," 714-41, "Notice to Owners and Persons in Control," 714-42, "Answer to Notice to Owner and Persons in Control," 714-45, "Removal by Public Officers," 714-47, "Costs as Lien on the Land and Personal Judgment Against Owners and Persons in Control," 714-99, "Penalties," of Chapter 714, "Littering," of the Cincinnati Municipal Code are hereby repealed.

Section 7. That Sections 1501-6, "Class B1 Civil Offenses," 1501-8, "Class C1 Civil Offenses," 1501-13, "Notice of Civil Offense and Civil Fine; Procedures," and 1501-99, "Civil

Fines," of Title XV, "Code Compliance And Hearings," of the Cincinnati Municipal Code are hereby amended to read as follows

Sec. 1501-6. - Class B1 Civil Offenses.

A person who violates a standard of conduct set forth in a provision of the Cincinnati Municipal Code listed below is liable for the civil fine specified in § 1501-99 for a Class B1 Civil Offense. ~~If the provision is listed under paragraph (a) below, the otherwise applicable civil fine is reduced by 50% if the person charged shows in accordance with § 1501-15 that the violation has been corrected.~~ If a person has previously been found to have violated the same provision of the Cincinnati Municipal Code within one year that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine for the subsequent offense provided below, the amount of which fine is specified in § 1501-99 and is not subject to reduction for correction of the violation.

~~(a) Class B1 Civil Offenses With Civil Fines Subject to 50% Reduction for Correction of Violation:~~

			Civil Fine for Subsequent Offense
(1)	§ 714-37	Owner to Maintain Premises Free of Litter	Class D

~~(b) Class B1 Civil Offenses With Civil Fines Not Subject to 50% Reduction for Correction of Violation:~~

			Civil Fine for Subsequent Offense
(1)	§ 714-3	Litter in Public Places	Class B1
(2)	§ 714-17	Tracking Mud, Dirt or Other Substances on Streets	Class B1
(3)	§ 714-19	Litter in Parks	Class B1
(4)	§ 714-21	Litter in Lakes and Fountains	Class B1
(5)	§ 714-25	Placing Handbills on Vehicles	Class B1
(6)	§ 714-27	Depositing Handbills on Uninhabited or Vacant Premises	Class B1
(7)	§ 714-33	Posting Notices Prohibited	Class C1

Sec. 1501-8. - Class C1 Civil Offenses.

A person who violates a standard of conduct set forth in a provision of the Cincinnati Municipal Code listed below is liable for the civil fine specified in § 1501-99 for a Class C1 Civil Offense. If the provision is listed under paragraph (a) below, the otherwise applicable civil fine is reduced by 50% if the person charged shows in

accordance with § 1501-15 that the violation has been corrected. If a person has previously been found to have violated the same provision of the Cincinnati Municipal Code within one year that person may be charged as a second offender and on being found to have committed a second or subsequent offense is liable for the civil fine for the subsequent offense provided below, the amount of which fine is specified in § 1501-99 and is not subject to reduction for correction of the violation.

(a) Class C1 Civil Offenses With Civil Fines Subject to 50% Reduction for Correction of Violation:

			Civil Fine for Subsequent Offense
(1)	§ 714-11	Duty to Keep Sidewalks Free of Litter	Class D
(2)	§ 714-35	Litter on Occupied Private Property	Class D, <u>E</u> , <u>E3</u> .
(3)	<u>§ 714-37</u>	<u>Owner or Person in Control to Maintain Premises Free of Litter</u>	<u>Class D, E, E3.</u>
(3)	§ 714-39	Litter on Vacant Lots	Class D, <u>E</u> , <u>E3</u> .
(4)	Chapter 731	Weed Control	Class D, <u>E</u> , <u>E3</u> .

(b) Class C1 Civil Offenses With Civil Fines Not Subject to 50% Reduction for Correction of Violation:

			Civil Fine for Subsequent Offense
(1)	§ 714-13	Littering by Operators and Occupants of Motor Vehicles	Class C1
(2)	§ 714-15	Truck and Vehicle Loads Causing Litter or Scattering Debris	Class D

Sec. 1501-13. - Notice of Civil Offense and Civil Fine; Procedures.

- (a) A city officer or employee charged with enforcement of the Cincinnati Municipal Code may issue a notice of civil offense and civil fine to a person found to have committed a civil offense.
- (b) A notice of civil offense and civil fine must advise the person served:
- (1) Unless a written answer is filed or the civil fine paid within 168 hours that the fine will double;
 - (2) That a hearing will be held if requested;

- (3) That failure to appear at a requested hearing will be considered an admission of the civil offense;
 - (4) That all available collection remedies and costs of collection will be pursued in the event the civil fine and delinquent charges are not timely paid; and
 - (5) That the civil fine otherwise due may be reduced if the notice is for an offense that is subject to reduction if the offense is corrected.
- (c) A notice of civil offense and civil fine:
- (1) Must identify the person being charged if known to the issuing officer or employee;
 - (2) Indicate the offense charged, the civil fine for the offense, and the date, time and location of the offense charged;
 - (3) Be signed and attested by the issuing officer or employee;
 - (4) If the person charged is present, the issuing officer or employee may personally serve the person charged with a copy of the notice.
- (d) Except as otherwise provided in section (e), tThe issuing officer or employee must:
- (1) Constructively serve the person charged with a copy of the notice by posting a copy of the notice in a conspicuous location on the real property if the person being charged is not present, and the notice involves an offense which occurred on or immediately adjacent to real property owned, occupied, or controlled by the person charged;
 - (2) Post a copy of the notice on the real property to which it relates, if the identity of the person responsible for the offense is not known to the issuing officer and the offense relates to real property;
 - (3) Post a copy of the notice on the motor vehicle to which it relates, if the identity of the person responsible for the offense is not known to the issuing officer and the offense relates to a motor vehicle.

In all cases where a notice is not personally served, the notice must be mailed to the person charged after the identity of that person is determined.

- (e) Notwithstanding the service provisions set forth in subsection (d) related to violations that occur on real property, notices for any subsequent violation of Sections 731-3, 714-35 or 714-37 may be served on the person charged by any of the following methods:

(1) Any of the methods set forth in subsection (d), or

(2) Regular mail to the mailing or owner addresses of the property owner, as indicated in the public record of the Hamilton County auditor.

(f) The original of a notice of civil offense and civil fine issued pursuant to this section or a true copy of it is a record kept in the ordinary course of business of the City of Cincinnati and is prima-facie evidence of the facts it contains.

Sec. 1501-99. - Civil Fines.

The civil fines for civil offenses are:

Offense	Initial Civil Fine	If Delinquent	If Sent For Collection
Class A	\$75 50.00	\$150 100.00	\$175 150.00
Class A1	\$100 87.50	\$200 175.00	\$275 262.50
Class B	\$150 100.00	\$300 200.00	\$350 300.00
Class B1	\$200 175.00	\$400 350.00	\$475 437.50
Class C	\$300 200.00	\$600 400.00	\$650 500.00
Class C1	\$500 350.00	\$1,000 700.00	\$1,250 875.00
Class D	\$750 500.00	\$1,500 1,000.00	\$1,750 1,250.00
Class E	\$1,250 1,000.00	\$2,500 2,000.00	\$3,000 2,500.00
Class E1	\$10,000 .00	\$10,000 .00	\$10,000 .00
Class E3	\$3,000 2,500.00	\$3,000 2,500.00	\$3,000 2,500.00
Class F	\$15,000 .00	\$15,000 .00	\$15,000 .00

Neither the City of Cincinnati, the federal government, the State of Ohio, nor any city, federal or state agency or political subdivision is liable for a civil fine imposed pursuant to this Title.

Section 8. That existing Sections 1501-6, "Class B1 Civil Offenses," 1501-8, "Class C1 Civil Offenses," 1501-13, "Notice of Civil Offense and Civil Fine; Procedures," and 1501-99, "Civil Fines," of Title XV, "Code Compliance And Hearings," of the Cincinnati Municipal Code are hereby repealed.

Section 9. That this ordinance shall be an emergency measure necessary for the preservation of the public peace, health, safety and general welfare and shall, subject to the terms of Article II, Section 6 of the Charter, be effective immediately. The reason for the emergency is the immediate need for the Department of Public Services to promptly begin taking the actions required to effectively implement the changes to the private lot abatement procedure, which changes shall become fully effective on April 1, 2015.

Passed: _____, 2015

Mayor

Attest: _____
Clerk

New language underscored. Deleted language indicated by strikethrough.



Date: March 18, 2015

To: Mayor and Members of City Council
From: Harry Black, City Manager *HB*
Subject: ORDINANCE – OTR RESIDENTIAL PARKING PILOT PROJECT

201500332

Attached is an ordinance captioned as follows:

DESIGNATING a portion of the area in the Over-the-Rhine neighborhood bounded by the east side of Central Parkway, the east side of Sycamore, the north side of Central Parkway and the south side of Liberty Street as a special parking permit area restricting parking to certain vehicles notwithstanding Cincinnati Municipal Code Chapter 514 and creating a pilot project to run through 2017.

At the request of various stakeholders in Over-the-Rhine, the Department of Transportation and Engineering (DOT) created a special parking area to serve the residential and commercial interests in this rapidly evolving neighborhood.

The proposed special parking area includes commercially zoned areas, making it ineligible for a Residential Parking Permit Area (RPPA) under the criteria set forth in Cincinnati Municipal Code Section 514-3. Therefore, the City Manager would like to establish a Special Parking Permit Area (SPPA), notwithstanding Cincinnati municipal Code Section 514-3, the boundaries of which are attached in Exhibit A.

Section 5 of the Ordinance authorizes the City Manager to establish administrative regulations and procedures for the operation of the SPPA. The proposed administrative regulation outlining the rules of operation, including pricing and fees, eligibility, permit period, etc., is attached to this transmittal for City Council's reference.

The Administration recommends passage of the attached ordinance.

Attachment I – Exhibit A - map of the final boundaries of the special parking area in OTR

cc: Michael R. Moore, Director, Transportation and Engineering *mm*

#2

Over-The-Rhine Special Parking Permit Area Regulations

Ordinance No. ____-2015 created a special parking permit area in the Over-The-Rhine neighborhood and authorized the City Manager, without the approval of Council to establish procedures for the issuance of parking permits to residents of the neighborhood

PURPOSE

The purpose of this administrative regulation is to define the criteria for the granting of parking permits in the Over-The-Rhine Special Permit Parking Area.

POLICY

A. Allocation of Spaces

There are 1247 parking spaces in the Over-The-Rhine Special Permit Parking Area, 646 are metered; 199 spaces available to accommodate service industry workers in the area and 402 spaces available for permits. The Department of Transportation and Engineering (DOTE) shall be responsible for allocating the available space in the Parking Area for these different type of parking spaces.

B. Parking Meters

Parking spaces controlled by parking meters in the Special Permit Parking Area shall be available for hours of limited parking from 9AM to 9PM, Monday through Saturday, 2PM to 9PM Sunday. Holiday exceptions shall be the same as those applicable to the Central Business District. Peak hour restrictions shall apply only to parking spaces that are properly signed. Both single space and multi space meters may be installed. The metered parking fee shall be no greater than \$1.25 per hour with a 3 hour maximum time limit. Lower parking fees and a longer maximum time limit may be set at locations of lower demand based upon data collected from those locations.

C. Residential Parking Permits

Residential Parking Spaces will be designated by signs and vehicles parking in those spaces shall require a valid Residential Parking Permit 24 hours a day, 7 days a week.

Residential Parking Permits shall be issued by the Department of Transportation and Engineering (DOTE). Permits will be available for purchase at DOTE Permit Desk, Room 425 City Hall between the hours of 8AM and 4PM Monday through Friday and shall carry a 6 or 12-month term. Temporary Permits shall carry a 24-hour term.

In order to obtain a Residential Parking Permit, a person must show a valid driver's license and verification of residency within the Over-The-Rhine Special Permit Parking Area at the time of purchase. Verification shall include a vehicle registration for a dwelling unit, a utility bill, real estate tax duplicate, or an executed copy of a lease. Additionally, low income residents must present verification of their status which includes a subsidized housing voucher, lease with a housing agency or low-income tax credit housing facility, recipient of SNAP benefits (Ohio Direction Card) or Ohio Works First cash assistance (Ohio EPPI card), participation in the Medicaid Program, or recipient of Supplement Security Income to qualify for the subsidized parking fees.

The parking fee for a Residential Parking Permit shall be \$108 for a 12-month permit and \$54 for a 6-month permit. The parking fees for low income residents shall be \$18 for

a 12-month permit or \$9 for a 6-month permit. Temporary Permits fees shall be \$5 per day. No more than 1 permit shall be issued per person or 2 permits per eligible dwelling unit. All permits other than Temporary Permits shall expire no later than December 31 each year.

Permits will be in the form of a sticker and shall placed on the lower corner of the passenger's-side windshield at all times. Temporary Permits shall be issued in books of 5 permits per book.

Possession of a permit does not guarantee a daily parking space.

SJJ

SJF

City of Cincinnati

An Ordinance No. _____

- 2015

DESIGNATING a portion of the area in the Over-the-Rhine neighborhood bounded by the east side of Central Parkway, the east side of Sycamore, the north side of Central Parkway and the south side of Liberty Street as a special parking permit area restricting parking to certain vehicles notwithstanding Cincinnati Municipal Code Chapter 514 and creating a pilot project to run through 2017.

WHEREAS, the Department of Transportation and Engineering ("DOTE") has been approached by various stakeholders in Over-the-Rhine recommending the creation of a special parking area to serve the residential and commercial interests in that rapidly evolving neighborhood; and

WHEREAS, DOTE has completed an engineering study of the proposed special parking area and determined the final boundaries of the area in Exhibit A; and

WHEREAS, the proposed special parking area includes commercial parking areas, rendering it ineligible for a Residential Parking Permit Area ("RPPA") under the criteria set forth in Cincinnati Municipal Code Section 514-3; and

WHEREAS, the City Manager has determined however, that but for the inclusion of commercial parking this proposed special parking area would meet the criteria for a proposed RPPA and recommends the establishment of a special parking area in Over-the-Rhine as a positive measure for its enhancement and future development; and

WHEREAS, the City Manager shall conduct a review of the operation of this special parking area with the community's stakeholders every six months and provide an annual report to Council recommending any potential adjustments and changes; and

WHEREAS, Council recognizes that this special parking area will enhance the livability for the residents, businesses and visitors to Over-the-Rhine; now, therefore,

BE IT ORDAINED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That Council hereby designates the area in the Over-the-Rhine neighborhood bounded by the east side of Central Parkway, the east side of Sycamore, the north side of Central Parkway and the south side of Liberty Street, as set forth in Exhibit A as a Special Parking Permit

Area ("SPPA") restricting parking in designated spaces within the SPPA to vehicles displaying valid permits as set forth herein notwithstanding Cincinnati Municipal Code Section 514-3.

Section 2. That the City Manager is hereby authorized to take all necessary and proper actions under this ordinance to implement the creation and operation of the Over-the-Rhine SPPA.

Section 3. That the City Manager, or the Manager's designee, shall issue parking permits and cause parking signs to be erected in the SPPA indicating the times, location and conditions under which parking shall be by permit only. Upon application, approval by the Department of Transportation and Engineering ("DOTE"), and payment of the appropriate fee, a permit shall be issued to the owner or operator of a motor vehicle who resides in a dwelling unit on a street, avenue or other location within the SPPA.

Section 4. That permits shall be sold only to occupants of dwelling units within the SPPA. Residential parking permits are limited to one per person and two per dwelling unit and shall cost one hundred eight dollars per permit. However, the permit price for lower income residents within the SPPA shall be eighteen dollars based upon their occupancy of a rent-subsidized residential unit or their participation in any of the state or federal programs as set forth in the administrative regulations established as set forth in Section 5. Permits may be sold for six-month or one-year periods. Except for the initial year of the SPPA, permits will not be prorated for periods less than six months.

Section 5. That the City Manager, or the Manager's designee, is authorized to establish administrative regulations and procedures consistent with the intent of this ordinance for the operation of the Over-the-Rhine SPPA.

Section 6. That no person shall park a vehicle in a SPPA designated space unless such vehicle displays a valid special residential parking permit permanently affixed to, and clearly

visible through, the front windshield of the vehicle or front fork of a two wheeled vehicle. The holder of a residential parking permit is permitted to stand or park a motor vehicle displaying such permit in a designated residential parking space where parking is otherwise authorized by law. A special residential parking permit does not authorize the holder thereof to stand or park a motor vehicle in such places or during such times as the stopping, standing or parking of motor vehicles is prohibited or reserved for specific vehicles, nor exempt the holder from the observance of any traffic or parking regulation.

Section 7. That the following vehicles are exempt from the provisions of this ordinance restricting parking in designated SPPA spaces:

- (a) A vehicle bearing the special handicapped license plate as provided in Ohio Revised Code 4503.44 or a similar license plate issued by any other state.
- (b) A vehicle bearing the special disabled veterans license plates as provided by Ohio Revised Code 4503.41 or a similar license plate issued by any other state.
- (c) A truck, commercial vehicle or a vehicle operated by a utility company, or a governmental entity when the driver is making a delivery, pickup or service call in the normal course of employment.
- (d) Parking necessitated by emergency or mechanical failure.
- (e) Any vehicle exempted in the aforementioned provisions may not violate any other traffic or parking regulation or control device.

Section 8. That it shall constitute a violation of this ordinance for any person to falsely represent himself as eligible for a residential parking permit or to furnish any false information in an application to obtain a residential parking permit.

Section 9. The City Manager is authorized to revoke the residential parking permit of any permittee found to be in violation of this ordinance and, upon written notification thereof, the permittee shall surrender such permit to the City Manager or the Manager's designee. Failure to

surrender a revoked residential parking permit when requested shall constitute a violation of this ordinance.

Section 10. That any person who violates Section 6 of this ordinance shall be guilty of a Class A civil offense as defined by the Cincinnati Municipal Code. Any person who violates Section 8 or 9 of this ordinance shall be guilty of a Class C civil offense.

Section 11. That this ordinance shall take effect and be in force from and after the earliest period allowed by law and shall continue in effect for three years.

Passed: _____, 2015

Mayor

Attest: _____
Clerk

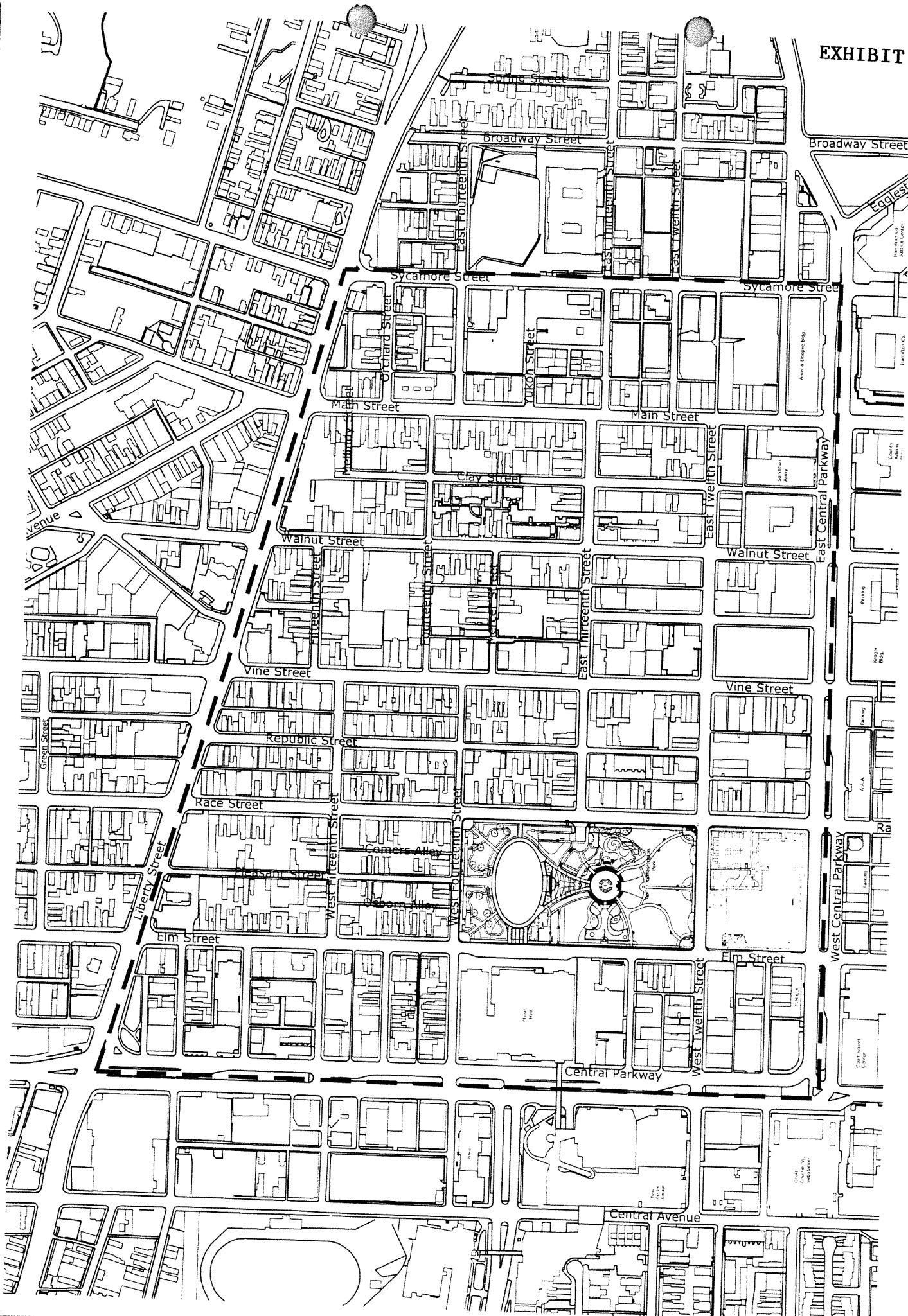


EXHIBIT A

OTR Special Permit Parking

March 13, 2015

City of Cincinnati



801 Plum Street, Suite 356
Cincinnati, Ohio 45202

Phone (513) 352-4610
Email david.mann@cincinnati-oh.gov
Web www.cincinnati-oh.gov

David S. Mann
Vice Mayor/Councilmember

201500323

MOTION

WE MOVE that the Administration develop a plan to ensure that citizens who travel via motorized wheelchairs, scooters and similar devices will have access to clean sidewalks and Metro stops on our major thoroughfares in future winters.

WE FURTHER MOVE that the Administration provide a report on existing laws regarding sidewalk snow removal and the options for enhanced enforcement of existing laws and strategies for better compliance.

Vice Mayor David Mann

Yvette R. Simpson, Esq.

#3

Statement

The snow and ice conditions we have faced this winter were particularly challenging for our fellow citizens who travel via motorized wheelchairs and scooters. Our major thoroughfares, including downtown streets and Metro routes, require special attention and focus. Aggressive enforcement of snow removal obligations is a minimum need. City forces may have to be assigned responsibility to keep sidewalks and Metro stops clear in areas of high pedestrian traffic.

Two wheelchair users visited the Neighborhoods Committee this week. Their ability to work and attend university classes was greatly diminished many days this winter. They deserve more from us.

This motion also directs the Administration to provide Council with a report on how the City can improve sidewalk conditions for all residents, and allows enough time to implement any changes Council deems necessary to protect residents from future snow and ice conditions.



Date: March 11, 2015

To: Mayor and Members of City Council
From: Harry Black, City Manager **HB**
Subject: STREET CALMING FOR LAIDLAW AVENUE

201500299

The City of Cincinnati Neighborhood Street Calming Program (NSCP) requires that a report be sent to City Council for each specific project upon endorsement of a plan by the community council and affected residents. Residents of Laidlaw Avenue between Matlock Avenue and Oakdale Avenue in Bond Hill have petitioned for consideration under the NSCP to control speeding and cut-through traffic. Traffic studies indicate that Laidlaw Avenue carries approximately 2178 vehicles per day, with 39 percent of vehicles exceeding 30 mph (the posted speed limit is 30 mph).

Of the traffic management techniques investigated, the most appropriate traffic calming solution for Laidlaw Avenue is the installation of speed humps between Paddock Road and Reading Road. The Fire Department has no objection to the speed humps. Therefore, a postcard survey was sent to all directly affected residents and asked for their vote. The NSCP requires that at least 60 percent of the postcards are returned and 70 percent of those returned are in favor of speed humps.

Of the 91 cards sent, 51 were returned with 50 voting in favor (yes). This is a 56 percent return of postcards and a 98 percent consensus vote **in favor of** speed humps. Even though this does not meet the minimum return percentage, we will move forward with installation of speed humps because a majority of the affected residents, 55 percent, voted in favor of them.

Upon approval and filing of this report, the Traffic Engineering Division will commence with the speed hump design and installation process. This process includes posting signs advising of future speed hump installation and direct contact with the Fire Department and the Bond Hill Community Council. Construction of speed humps is planned for summer of 2015.

cc: Michael R. Moore, Director, Transportation and Engineering **man**
Martha Kelly, Transportation and Engineering
Will Jones, Fire Department
Chris Miller, Fire Department
Bond Hill Community Council

#4

Date: March 11, 2015

To: Mayor and Members of City Council
From: Harry Black, City Manager
Subject: STREET CALMING IN PLEASANT RIDGE

201500298

The City of Cincinnati Neighborhood Street Calming Program (NSCP) requires that a report be sent to City Council for each specific project upon endorsement of a plan by the community council and affected residents. The Department of Transportation and Engineering (DOTE) solicited feedback regarding the installation of speed humps for the network of streets west of Ridge Road, including Mapleleaf Avenue, Auten Avenue, Beaver Avenue and Douglas Terrace in Pleasant Ridge. Other parallel streets, Gloss Avenue and Bellewood Avenue, already have speed humps. Speed humps are used to control speed and/or reduce cut-through traffic. The Pleasant Ridge Community Council has endorsed this plan.

Of the traffic management techniques investigated, the most appropriate traffic calming solution is the installation of speed humps. The Fire Department has no objection to the speed humps. Therefore, a postcard survey was sent to all directly affected residents for the above mentioned streets. DOTE evaluated each street on an individual basis. The NSCP requires that at least 60 percent of the postcards are returned and 70 percent of those returned are in favor of speed humps.

Of the 45 cards sent for Auten Avenue from Ridge Avenue to Lester Road, 28 were returned with 23 voting in favor (yes). This is a 62 percent return of postcards and an 82 percent consensus vote **in favor of** speed humps.

Of the 42 cards sent for Beaver Avenue from Ridge Avenue to Lester Road, 23 were returned with 21 voting in favor (yes). This is a 55 percent return of postcards and a 91 percent consensus vote **in favor of** speed humps. Even though this does not meet the minimum return percentage, half of the affected residents, 50 percent, voted in favor of speed humps so we will move this street forward in the process.

Of the 43 cards sent for Mapleleaf Avenue from Ridge Avenue to Lester Road, 30 were returned with 26 voting in favor (yes). This is a 70 percent return of postcards and an 87 percent consensus vote **in favor of** speed humps.

Of the 32 cards sent for Douglas Terrace from Lester Road to Montgomery Road, 21 were returned with 21 voting in favor (yes). This is a 66 percent return of postcards and a 100 percent consensus vote **in favor of** speed humps.


Upon approval and filing of this report, the Traffic Engineering Division will commence with the speed hump design and installation process.

#5

Page 2

Council Report – Street Calming in Pleasant Ridge

This process includes posting signs advising of future speed hump installation and direct contact with the Fire Department and the Pleasant Ridge Community Council. Construction of speed humps is planned for summer of 2015.

cc: Michael Moore, Director, Transportation and Engineering 
Martha Kelly, Transportation and Engineering
Will Jones, Fire Department
Chris Miller, Fire Department
Pleasant Ridge Community Council

Johnson, Frank

From: Vogt, Jon
Sent: Monday, March 09, 2015 10:54 AM
To: Johnson, Frank
Cc: Metz, Pete; Flynn, Kevin
Subject: FW: Please save my neighborhood

201500329

I know it's too late for today, but we would like to submit this email as a COMMUNICATION to be assigned to the Neighborhoods Committee. It's regarding residential parking potential up in Fairview.

Thanks.

JV

#6

From: Flynn, Kevin
Sent: Saturday, March 07, 2015 11:03 AM
To: Corney, Miriam
Cc: Vogt, Jon
Subject: Re: Please save my neighborhood

Miriam, I will place your communication in for inclusion in the neighborhoods committee packet. David Mann is chair of that committee. I will be asking for a report relative to the establishment of a residential parking plan in your neighborhood. Thank you for caring about our city. Kevin

Sent from my iPad

On Mar 6, 2015, at 9:24 AM, Corney, Miriam <mcorney@GAIG.COM> wrote:

Dear Mr. Flynn,

I need your help to save our neighborhood. I have lived here for more than five years and the crime, parking, speeding and harassment have escalated rapidly. My house on Warner Street is located within the Fairview Heights community in Clifton. My street was mostly owner occupied homes, due to the gentrification of Over the Rhine and the "Broken windows theory" there are many vacant or rental properties that might be a contributing factor to the escalation of urban disorder and anti-social activity.

I believe a very quick and positive idea would be to introduce a "Resident Only" parking concept, which would financially benefit the city and to ensure the safety of the neighborhood homeowners. I have tried speaking with the different departments within the city government to no avail. Approximately fifty percent of the homes do not have driveways or the availability to install a driveway. I own one of those homes. During the day, cars park on our street so students can catch the shuttle to UC on our corner. During the evening and overnight hours cars also park on our street because it is an easy walk to Murphy's Bar on Clifton and Warner. If there are no parking spaces for homeowners, we have to park far away and walk down the street, when this occurs at night, it becomes frightening. When my daughter or I arrive home after dark we have both been lewdly propositioned and chased just to get to our house. When my son has had to park as far away as Straight Street on a weekend night he has been harassed and threatened while walking to our home. Some nights the drunken kids will lie in the street in dark clothing, and wait for cars; if you are able to see and avoid them, they sit up and say, "Aw, you missed me". Even the police officers think poorly of our neighborhood, as they come to our house to take the reports they have all said "I would never live here" or "I would never live in Clifton, unless I had off street parking."

The following property damage incidents have occurred to our household members.

- Multiple Side mirrors broken off with baseball bats;
- Cars hit our parked cars and drive off;
- Driver's door bent trying to force entry (damage was so bad, the door would not open);
- Broken car windows and stolen radios;
- Ripped license plates off the cars;
- Catalytic Converters stolen from multiple cars;
- Tail lights shot out;
- Parked Truck rolled down the hill, hitting our car-sending it up on a sidewalk – totaled our car, then bouncing off our car and hitting a neighbors stone wall which is now broken.
- 2005 Nissan Altima stolen from the street;

The following personal incidents have occurred:

- USED condoms on our porch, USED condoms on our sidewalks, USED condoms on our streets;
- I have caught college boys urinating on the side of my home and also my two neighbors homes
- Pants are left on the street and sidewalk;
- Trash all over our porch, streets and cars;
- Broken bottles all over the street;
- Lewd propositions as we walk to our home;
- Being chased by males to our home;

A Resident Only Parking concept on Warner Street and the surrounding neighborhood of Fairview Heights would make our neighborhood safer. This would also generate extra income for the city. Homeowners could be allotted on a yearly basis a finite number of stickers and then if needed they could purchase more for extra household members. This would generate income from sticker sales. If cars are parked illegally on one of the streets a parking citation or towing could occur which would generate more income for the city. I beg you to consider this option for my community.

If there are any questions or concerns I can answer, please feel free to contact me. Mcorney@gaig.com
(M-F 9-5 Work) 513.579.6636
(Cell) 513.259.6439
Thank you,

Miriam Corney

Miriam Corney

Administrative Assistant

513.579.6636 | 513.564.3435 fax | mcorney@gaig.com

Trucking Division | www.GreatAmericanTrucker.com

301 E Fourth St, Suite 22N, Cincinnati, Ohio 45202

We take care of the Owner Operator better than anyone!

There are over **3,000** property and casualty insurance companies in the United States. [source](#)

Only **50** are included in the Ward's 50 List for safety, consistency and performance.

Only **4** have been rated "A" or better by A.M. Best for over 100 years.

Only **2** are on both lists.

Great American is 1 of the two

City of Cincinnati



801 Plum Street, Suite 356
Cincinnati, Ohio 45202

Phone (513) 352-4610
Email david.mann@cincinnati-oh.gov
Web www.cincinnati-oh.gov

David S. Mann
Vice Mayor/Councilmember

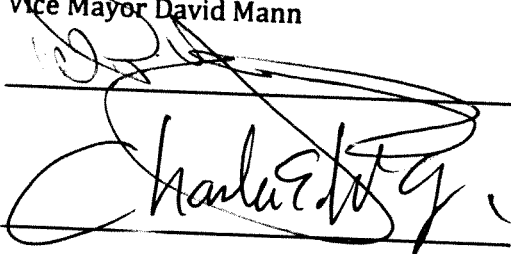
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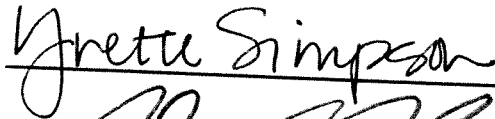
MOTION


WE MOVE that the Administration continue to engage the Madisonville Community Council, Cincinnati Public Schools and other key neighborhood stakeholders in the development of the Duck Creek Connector to seek feedback and input and mitigate concerns.

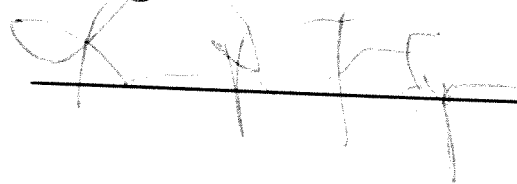


Vice Mayor David Mann









#7

STATEMENT

This motion directs the Administration to continue its efforts to work with the interested parties and mitigate their concerns as the Duck Creek Connector is designed and constructed in the coming years.

The proposal by RBM Development Corporation to invest nearly \$100 million in Madisonville on a new, mixed use development can be very beneficial for the city and the Madisonville community. The construction of the Duck Creek Connector, a local road extension of Duck Creek Road across the Red Bank Expressway to Madison Road through the property of John P. Parker Elementary School, is a crucial component to alleviate congestion and provide access to the new development.

The development of the Duck Creek Connector has raised concerns within the community about its impact on the school and the neighborhood. It is important that this new road be designed with careful consideration to its surroundings—specifically John P. Parker School—and enhances the neighborhood.

City of Cincinnati



Interdepartment
Correspondence Sheet

Date: March 18, 2015

To: Councilmember P.G. Sittenfeld

From: Paula Boggs Muething, City Solicitor *PBM*

201500352

Subject: **Resolution – Supporting Ohio Historic Preservation Tax Credits for the Strietmann Bakery Building**

Transmitted herewith is a resolution captioned as follows:

SUPPORTING Grandin Company LTD in its efforts to receive Ohio Historic Preservation Tax Credits for the rehabilitation of the Strietmann Bakery Building, located at 221-235 West Twelfth Street in Over-the-Rhine, which is a priority initiative for future development in the community and is consistent with the Over-the-Rhine and downtown Cincinnati strategic plans and Plan Cincinnati and is in line with the commitment of the City of Cincinnati and Grandin Company LTD, doing business as Grandin Properties, to revitalize Over-the-Rhine.

PBM/LDM/(ps)
Attachment
164147

{00164209-1}

#8



LDM *pbm*

RESOLUTION NO. _____ - 2015

SUPPORTING Grandin Company LTD in its efforts to receive Ohio Historic Preservation Tax Credits for the rehabilitation of the Strietmann Bakery Building, located at 221-235 West Twelfth Street in Over-the-Rhine, which is a priority initiative for future development in the community and is consistent with the Over-the-Rhine and downtown Cincinnati strategic plans and Plan Cincinnati and is in line with the commitment of the City of Cincinnati and Grandin Company LTD, doing business as Grandin Properties, to revitalize Over-the-Rhine.

WHEREAS, Grandin Properties has a contract to purchase the Strietmann Bakery Building, located at 221-235 West Twelfth Street, from current owner CW Realty Investments LLC, with the parties scheduled to execute the contract in June 2015; and

WHEREAS, Grandin Properties and CW Realty Investments LLC intend to apply to the Ohio Department of Development for Ohio State Historic Preservation Tax Credits to support rehabilitation of the Strietmann Bakery Building; and

WHEREAS, the Strietmann Bakery Building provided commercial space for the neighborhood starting in about 1906 but has been vacant for decades and is in dire need of rehabilitation; and

WHEREAS, the Strietmann Bakery Building contains nearly 100,000 square feet and, once rehabilitated, will be a marketable addition to the business district of Over-the-Rhine; and

WHEREAS, it is City Council's intent to assist Grandin Properties and CW Realty Investments LLC in receiving additional outside resources to fund this important project; and

WHEREAS, the Ohio Department of Development has an Ohio State Historic Preservation Tax Credit program which awards additional points within its scoring system to projects that are consistent with local government strategic plans; and

WHEREAS, City Council believes that the redevelopment of the Strietmann Bakery Building is consistent with both the Over-the-Rhine and the downtown strategic plans and is in line with the commitment of the City of Cincinnati, CW Realty Investments LLC, and Grandin Properties to revitalize Over-the-Rhine; and

WHEREAS, City Council finds that this project is in accordance with Plan Cincinnati, including the second guiding policy principle to build on the City's assets, as described on page 75; the first guiding geographic principal to focus revitalization on existing centers of activity, as described on page 86; and the "Sustain" goal, to preserve the City's built history, as described on page 197; now, therefore,

BE IT RESOLVED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the Mayor and the Council of the City of Cincinnati hereby support Grandin Properties and CW Realty Investments LLC in their efforts to receive Ohio State Historic Preservation Tax Credits for the renovation of the Strietmann Bakery Building, which is consistent with the Over-the-Rhine and the downtown Cincinnati strategic plans and Plan Cincinnati and is in line with the commitment of the City of Cincinnati, CW Realty Investments LLC, and Grandin Properties to revitalize Over-the-Rhine.

Section 2. That this resolution be spread upon the minutes of Council and that copies be sent to Grandin Properties and to Mr. Nathaniel Kaelin, Ohio Historic Preservation Tax Credit Program Coordinator for the Office of Redevelopment of the Ohio Development Services Agency.

Passed: _____, 2015

Mayor

Attest: _____
Clerk

Submitted by Councilmember P.G. Sittenfeld

City of Cincinnati



Interdepartment
Correspondence Sheet

Date: March 18, 2015

To: Councilmember P.G. Sittenfeld

From: Paula Boggs Muething, City Solicitor

PBM

201500353

Subject: Resolution – Supporting Ohio Historic Preservation Tax Credits for the Warner Brothers Building

Transmitted herewith is a resolution captioned as follows:

SUPPORTING Grandin Company LTD in its efforts to receive Ohio Historic Preservation Tax Credits for the rehabilitation of the Warner Brothers Building located at 1600 Central Parkway in Over-the-Rhine, which is a priority initiative for future development in the community, is consistent with the Over-the-Rhine and downtown Cincinnati strategic plans and Plan Cincinnati, and is in line with the commitment of the City of Cincinnati and Grandin Company LTD, doing business as Grandin Properties, to revitalize Over-the-Rhine.

PBM/LDM/(ps)
Attachment
164143

#9

{00164208-1}



LDM *2/24*

RESOLUTION NO. _____ - 2015

SUPPORTING Grandin Company LTD in its efforts to receive Ohio Historic Preservation Tax Credits for the rehabilitation of the Warner Brothers Building located at 1600 Central Parkway in Over-the-Rhine, which is a priority initiative for future development in the community, is consistent with the Over-the-Rhine and downtown Cincinnati strategic plans and Plan Cincinnati, and is in line with the commitment of the City of Cincinnati and Grandin Company LTD, doing business as Grandin Properties, to revitalize Over-the-Rhine.

WHEREAS, Grandin Properties intends to apply to the Ohio Department of Development for Ohio State Historic Preservation Tax Credits to support its rehabilitation of the Warner Brothers Building in Over-the-Rhine; and

WHEREAS, the Warner Brothers Building provided commercial space for the Over-the-Rhine neighborhood starting in the 1940s but has been vacant for decades and is in need of rehabilitation; and

WHEREAS, it is City Council's intent to assist Grandin Properties in receiving additional outside resources to help fund the rehabilitation of the Warner Brothers Building; and

WHEREAS, the Ohio State Historic Preservation Tax Credit program awards additional points within its scoring system to projects that are consistent with local government strategic plans; and

WHEREAS, City Council believes that this project is consistent with both the Over-the-Rhine and the downtown strategic plans and is in line with the commitment of the City of Cincinnati and Grandin Properties to revitalize Over-the-Rhine; and

WHEREAS, City Council finds that this project is in accordance with Plan Cincinnati, including the second guiding policy principle to build on the City's assets, as described on page 75; the first guiding geographic principal to focus revitalization on existing centers of activity, as described on page 86; and the "Sustain" goal, to preserve the City's built history, as described on page 197; now, therefore,

BE IT RESOLVED by the Council of the City of Cincinnati, State of Ohio:

Section 1. That the Mayor and the Council of the City of Cincinnati hereby support Grandin Properties in their efforts to receive Ohio State Historic Preservation Tax Credits for the renovation of the Warner Brothers Building, which is consistent with the Over-the-Rhine

and the downtown Cincinnati strategic plans and Plan Cincinnati and is in line with the commitment of the City of Cincinnati and Grandin Properties to revitalize Over-the-Rhine.

Section 2. That this resolution be spread upon the minutes of Council and that copies be sent to Grandin Properties and to Mr. Nathaniel Kaelin, Ohio Historic Preservation Tax Credit Program Coordinator for the Office of Redevelopment of the Ohio Development Services Agency.

Passed: _____, 2015

Mayor

Attest: _____
Clerk

Submitted by Councilmember P.G. Sittenfeld